

**AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY  
MINUTES OF A PUBLIC HEARING**

DATE..... September 22, 2004  
TIME..... 7:00 P.M.  
PLACE..... CO. OFFICE BLDG.  
20 N. 3<sup>RD</sup> STREET  
LAFAYETTE IN 47901

**MEMBERS PRESENT**

Mark Hermodson  
Ralph Webb  
Gary Schroeder  
Steve Clevenger  
Ed Butz

**MEMBERS ABSENT**

Jean Hall  
Edward Weast

**STAFF PRESENT**

Kathy Lind  
Krista Trout  
Jay Seeger, Attorney  
Bianca Bullock

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 22<sup>nd</sup> day of September 2004, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Mark Hermodson called the meeting to order.

**I. APPROVAL OF MINUTES**

Steve Clevenger moved to approve the minutes of August 25, 2004 public hearing. Gary Schroeder seconded the motion.

The motion carried by voice vote.

**II. NEW BUSINESS**

Krista Trout informed the board that the presentation for **BZA-1661 – HARRISON HIGHLAND, LLC**. Has requested the case to be continued to the September 28, 2005 Area Board of Zoning Appeals public hearing because the case was filed prematurely; **BZA-1673 – JEFFREY R. & MARY NAGY** should be continued to the December 1, 2004 meeting at their request; and also **BZA-1674 – BURKHART SIGN SYSTEM** needs to be continued to the October 27, 2004 Area Board of Zoning Appeals public hearing because of a publishing error. She also said **BZA-1672 – DAVID P. & MICHELLE K. POUNDS** have withdrawn their request and received a building permit for a complying deck.

Steve Clevenger moved to continue **BZA-1661 – HARRISON HIGHLAND, LLC** to the September 28, 2005 Area Board of Zoning Appeals public hearing; **BZA-1673- JEFFREY R. & MARY NAGY** to the December 1, 2004 Area Board of Zoning Appeals Public Hearing; and **BZA-1674 – BURKHART SIGN SYSTEM** to the October 27, 2004 Area Board of Zoning Appeals public hearing. Gary Schroeder seconded and the motion carried by voice vote.

Steve Clevenger moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the By-laws of the Area Board of Zoning Appeals, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies. Gary Schroeder seconded and the motion carried by voice vote.

**III. PUBLIC HEARING**

**1. BZA-1670 – ERIC S. & DONNA S. FURGASON:**

Petitioners are requesting a variance to allow a 2' side setback instead of the required 6' to expand an existing garage located at 610 Rose Street, West Lafayette, Wabash 20

(NW) 23-4. (UZO 4-2-2) CONTINUED FROM THE AUGUST MEETING AT  
PETITIONER'S REQUEST. THIS CASE MUST BE HEARD THIS MONTH.

Steve Clevenger moved to hear and vote on the above-described request. Gary Schroeder seconded.

Krista Trout presented slides of the zoning map, two aerial photos, one site plan and five photos of the property. She read the staff report with recommendation of denial.

She also read the following letter of support into the record: Don & Nadine Harmon, 614 Rose Street, West Lafayette, IN.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN mentioned he has spoken with the neighbors, Don & Nadine Harmon who support this petition. He stated that the goal of this older West Lafayette neighborhood is to encourage owner-occupancy. He believes that the petitioners' request is perfectly acceptable, appropriate and will further promote the goals of the neighborhood. He also said some of the staff's other suggestions to legally build the garage are not feasible. He concluded by saying that the petitioners simply want to fix up an old garage and move into the house. He said their request is not injurious to the public health or welfare and asked approval.

Ralph Webb asked for clarification on Mr. Bumbleburg's statement regarding public safety.

Mark Hermodson expressed concerns regarding the same topic He said the drive is approximately 11' wide and 9' at its narrowest point. He asked if the neighbors' property has the same dimensions as the petitioners'.

Joseph T. Bumbleburg concurred with the description of the driveway. He also mentioned that the neighbors' property is wider. He said that he does not believe the construction of the garage would be dangerous or a hazard to fire safety because, the neighbors' driveway would be just as far away as it is currently from the existing garage.

Krista Trout explained to the Board where the neighbors' driveway is located.

Joseph T. Bumbleburg also mentioned that the West Lafayette City Engineer was not concerned with the proposed garage.

Mark Hermodson asked if the petitioners were planning on building a completely new structure.

Joseph T. Bumbleburg clarified that it would just be an addition to the existing garage.

Steve Clevenger asked if there was an overhang on the garage.

Joseph T. Bumbleburg answered it is about one foot, enough to hang a gutter.

Steve Clevenger asked who would be responsible for the maintenance of the garage.

Joseph T. Bumbleburg said that while there is only 2' between the garage and the driveway, maintenance has not been a problem for the nearly 50 years the garage has been on the property.

Ed Butz asked if the garage would have vinyl siding or would it be painted.

Eric Furgason, 610 Rose Street, West Lafayette, IN, responded there are no definite plans.

Ed Butz said that 2' is enough room for a ladder.

Donna Furgason, 610 Rose Street, West Lafayette, IN, said there are also hedges between the neighbors' driveway and the garage.

The Board voted by ballot 5 yes to 0 no to approve BZA-1670 – ERIC S. & DONNA S. FURGASON.

## 2. **BZA-1676 – DENNIS L. & PEGGY A. DIETZ**

Petitioners are seeking a variance to allow ~~an 18' front setback~~ a 20.7' front setback instead of the required 25' to construct a garage addition on property located at 125 Tamiami Trail, Wabash 5 (SW) 23-4. (UZO 4-2-2)

Steve Clevenger moved to hear and vote on the above-described request. Gary Schroeder seconded the motion.

Kathy Lind presented slides of the zoning map, the site plan, 2 aerial photos and 5 photos of the site. She then read the staff report with recommendation of denial.

Dennis Dietz, 125 Tamiami Trail, West Lafayette, IN, explained the reason he wanted to construct a garage addition is because of his fishing boat that fits awkwardly into his current garage. He said he has looked at all different options in regard to creating the addition to the existing garage: unattached garage on a different part of the property, a lean-to, shed, etc. He addressed the issue of the chimney located at the rear of the house, explaining that if he built the garage at a 25' setback instead of 26', the garage would block the flue to the chimney. He also described his property and its individual characteristics. He stated that his current garage is located 35' off of the street and there are other properties located on his street that are closer to the street than his. He also mentioned the aesthetics of the neighborhood. He said he does not want to build a lean-to and would like to keep conformity in the neighborhood.

Mark Hermodson pointed out the petitioners' home would have three different setbacks: the home, the current garage and the proposed garage addition. He suggested the petitioner construct the addition flush with the existing garage.

Dennis Dietz explained that constructing the garage addition flush with the existing structure would block the chimney at the rear of the house because of the 2' overhang in the back of the addition. He also said he thinks the house looks better with three different setbacks.

Ralph Webb asked if the driveway would be rebuilt.

Dennis Dietz answered affirmatively.

Steve Clevenger asked for clarification regarding the roofline.

Dennis Dietz said the addition's roof would be gable style, not overhang like the current garage and house.

Gary Schroeder asked if the addition were built flush to the existing structure, how far would it be from the chimney.

Dennis Dietz explained it would be 10" from the chimney.

Ralph Webb asked if the overhang on the addition is by design, and not by ordinance.

Mark Hermodson replied affirmatively.

Mark Hermodson stated he still does not understand why the structure needs to have three different setbacks.

Steve Clevenger asked if there was a problem with a 1' or 10" overhang on the back of the addition, instead of the 2'.

Al Levy explained that the purpose of an overhang is to hang gutters and 10" is sufficient for that purpose.

Steve Clevenger asked if there were any other ways to put an overhang on the back that would create a situation where a variance was not necessary, for example allowing the garage to be built within the permitted setback.

Ralph Webb asked for clarification regarding the roof.

Dennis Dietz responded the roof would be gable-style.

Ralph Webb asked if there would be any reconstruction of the original garage.

Dennis Dietz responded no.

Gary Schroeder asked if the petition gets denied, and the petitioner wants to build anything else, would another variance request be needed.

Mark Hermodson answered affirmatively.

Gary Schroeder clarified that the petition could be amended tonight.

Mark Hermodson responded yes, and that he was still uncomfortable with the 18' requested setback.

Kathy Lind said amending the petition to request a 20.7' setback would also legitimize the existing house.

Mark Hermodson also suggested the petitioner could request a continuance.

Dennis Dietz said he does not understand the concerns regarding the different setbacks. He again mentioned the other houses on the block that are closer to the street than his.

Mark Hermodson explained he does not have any information about the other houses on the block, and the Board must abide by the Zoning Laws. He also stated the average setback of homes on the block is not enough reason to grant a variance.

Ralph Webb suggested a continuance to talk to the petitioner's builder and discuss the different setback options.

Mark Hermodson addressed the issue of the addition's rear overhang.

Dennis Dietz stated he was okay with a 10" overhang and agreed to a 20.7' setback.

*Petitioner amended his request from an 18' front setback to a 20.7' front setback.*

The Board voted by ballot 5 yes to 0 no to approve **BZA-1676 – DENNIS L. & PEGGY A. DIETZ.**

Mark Hermodson stated that unless any member has an objection the chair will order the findings of each member casting a vote for the majority decision of the Board to be the collective findings of the Board in support of the decision of the Board. Hearing none, it is so ordered.

#### **IV. ADMINISTRATIVE MATTERS** *None*

#### **V. ADJOURNMENT**

Steve Clevenger moved for adjournment. Gary Schroeder seconded and the motion carried by voice vote.

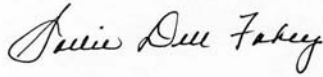
The meeting adjourned at 8:10 P.M.

Respectfully submitted,



Bianca Bullock  
Recording Secretary

Reviewed by,

A handwritten signature in cursive script, reading "Sallie Dell Fahey". The signature is written in dark ink on a light-colored, slightly textured background.

Sallie Dell Fahey  
Executive Director